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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 RUSSELL E. BURNS, et al.,
15 Plaintiffs,

16 v.

17 TITAN DVBE, INC., a California
18 Corporation; WILLIAM SCHROYER, an
individual,
19 Defendants.

Case No. C13-5886 SBA

**JOINT REQUEST FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE;
~~PROPOSED~~ ORDER THEREON**

Date: Thursday, October 30, 2014
Time: 2:45 p.m.
Ctrm: 1, 4th Floor
Judge: Hon. Sandra B. Armstrong

21
22 Plaintiffs and Defendants respectfully request that the Case Management
23 Conference scheduled for October 30, 2014, at 2:45 p.m., be continued for approximately
24 ninety (90) days. Good cause exists for the granting of the continuance as follows:

- 25 1. As the Court's records will reflect, this action was filed on December 19, 2013
26 to compel Defendants to comply with the terms of their Collective Bargaining Agreement.
27 2. Plaintiffs served the Summons and Complaint on Defendants on January 1,
28 2014. The Proof of Service was filed with the Court on January 27, 2014. [Dkt. #9].

JOINT REQUEST FOR CONTINUANCE OF CASE MANAGEMENT CONFERENCE; ~~PROPOSED~~ ORDER THEREON

Case No.: C13-5886 SBA

1 3. After Plaintiffs agreed to an extension of time for Defendants to file their
2 Answer to the Complaint, Defendants filed an Answer on June 27, 2014. [Dkt. #18].

3 4. An audit of Defendants' records was performed for the period from July 1,
4 2009 through December 31, 2013, revealing an alleged liability to Plaintiffs of
5 approximately \$90,000.00.

6 5. Defendants disputed the audit findings and provided some documentation
7 in support of their dispute. Specifically, Defendants provided an excel spreadsheet listing
8 payments made to Plaintiffs for unpaid contributions for the time period from June 2010
9 through November 2010, and a copy of an audit report issued by the Laborers Trust Funds
10 that showed Defendants owed contributions to the Laborers Trust Funds for some of the
11 same individuals included in Plaintiffs' audit of Defendant Titan DVBE, Inc.

12 6. Plaintiffs reviewed the documents and contend that the payments made by
13 Defendants did not affect the results of the audit, as the audit reveals hours unreported or
14 underreported and unpaid by Defendants. However, Plaintiffs removed individuals from
15 the audit report who were not members of the Operating Engineers Local Union No. 3,
16 which reduced the amount owed by Defendants to Plaintiffs on the audit to approximately
17 \$66,000.00.

18 7. Despite demand, Defendants continue to refuse to make payment to
19 Plaintiffs for the amounts Plaintiffs contend are owed on the audit.

20 8. The parties have agreed to participate in mediation, and filed a Stipulation
21 Selecting ADR Process, Mediation, on October 9, 2014. [Dkt. #25].

22 9. On October 10, 2014, the Court issued an Order referring this matter to
23 Mediation to be completed within 90 days from October 10, 2014. [Dkt. #26].

24 10. As this matter has been scheduled for mediation, there are no issues that
25 need to be addressed by this Court at the currently scheduled Case Management
26 Conference. In the interest of conserving costs, as well as the Court's time and resources,
27 the parties respectfully request that the Court continue the currently scheduled Case
28 Management Conference for approximately ninety (90) days to allow the parties sufficient

1 time to participate in mediation prior to the Case Management Conference.

2 Dated: October 23, 2014

SALTZMAN & JOHNSON
LAW CORPORATION

3
4 By: 

5 Erica J. Russell
6 Attorneys for Plaintiff s

7 Dated: October 21, 2014

COOK BROWN, LLP

8 By: 

9 Debra Hinshaw Vierra
10 Attorneys for Defendants

11 IT IS SO ORDERED.

12 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
13 Management Conference is hereby continued to 1/29/2015, at 2:30 PM and all related deadlines
14 are extended accordingly.

15 Date: 10/27/2014


16 THE HONORABLE SAUNDRA B. ARMSTRONG
17 UNITED STATES DISTRICT COURT
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